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transfer by the husband to his wife, alleged to be voluntary and fraudulent, should be remanded for an accounting, where it is found that the transfer is valid to the extent to which it was necessary to indemnify the wife for certain advancements to the husband out of her separate estate.

[Ed. Note.—For other cases, see *Fraudulent Conveyances*, Cent. Dig. §§ 963-965, 967; Dec. Dig. § 312.* 1 Va.-W. Va. Enc. Dig. 632; 6 Va.-W. Va. Enc. Dig. 579.]

Appeal from Circuit Court, Campbell County.

Bill by one Hughson, trustee in bankruptcy of J. C. Dameron, against Dameron and others, to set aside an alleged fraudulent conveyance. Bill dismissed, and plaintiff appeals. Reversed, and remanded for an accounting.

Poindexter & Hopwood, Wilson & Manson, and Jam D. Johnson, for appellants.

I. P. Whitehead and Alfred B. Percy, for appellees.

SAUNDERS et al. v. BANK OF MECKLENBURG et al.

June 13, 1912.

[75 S. E. 94.]

1. Equity (§ 149*)—Pleading—Multifariousness.—A bill by the depositors of an insolvent bank, all of whose contracts are identical and who are entitled to participate equally in its assets, against the directors for negligent mismanagement, is not multifarious because the depositors' causes of action are separate and distinct.

[Ed. Note.—For other cases, see *Equity*, Cent. Dig. §§ 342, 368-370; Dec. Dig. § 149.* 10 Va.-W. Va. Enc. Dig. 133.]

2. Equity (§ 149*)—Pleading—Multifariousness.—A bill by the depositors of an insolvent bank to recover from the directors for their negligent mismanagement is not multifarious because it fails to state the time the directors assumed their duties or when the complainants became depositors.

[Ed. Note.—For other cases, see *Equity*, Cent. Dig. §§ 342, 368-370; Dec. Dig. § 149.* 10 Va.-W. Va. Enc. Dig. 133.]

3. Banks and Banking (§ 55*)—Liability—Directors—Suit by Stockholders.—Where a bank became insolvent and its property was transferred to a receiver, the depositors cannot in their own name maintain a suit against the directors to recover for their negligent mismanagement, unless the receiver has on their demand refused to act, the receiver occupying a fiduciary relation toward them, and being entitled to sue for all wrongs done the corporation which he

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

represents; and so a mere allegation in such a bill that the receiver declined to bring the suit is insufficient, it not showing a demand.

[Ed. Note.—For other cases, see Banks and Banking, Cent. Dig. §§ 99-104; Dec. Dig. § 55.* 12 Va.-W. Va. Enc. Dig. 826; 10 Va.-W. Va. Enc. Dig. 581, 583.]

Appeal from Circuit Court, Mecklenburg County.

Bill by one Saunders and others against the Bank of Mecklenburg and others. From a decree sustaining a demurrer to the bill, complainants appeal. Affirmed.

John A. Lamb, W. E. Homes, and S. A. Anderson, for appellants.

Hill Carter, E. P. Buford, R. T. Thorp, Harry C. Smithy, and E. C. Goode, for appellees.

MURRELL et al. v. TRADERS' & TRUCKERS' BANK et al.

June 13, 1912.

[75 S. E. 976.]

Banks and Banking (§ 55*)—Pleading—Petition to Intervene.—Where an insolvent bank made an assignment of all its assets, and the assignee sued, asking the aid of the court of chancery in the administration of the trust, a bill by creditors of the bank, who sought to recover from the directors for their negligent mismanagement, which was properly dismissed, because there had been no demand upon and refusal by the assignee to begin suit, cannot be treated as a petition to intervene in the suit by the assignee.

[Ed. Note.—For other cases, see Banks and Banking, Cent. Dig. §§ 99-104; Dec. Dig. § 55.* 2 Va.-W. Va. Enc. Dig. 316; 3 Va.-W. Va. Enc. Dig. 803.]

Appeal from Law and Chancery Court of City of Norfolk.

Bill by one Murrell and others against the Traders' & Truckers' Bank and others. From a decree sustaining a demurrer, complainants appeal. Affirmed.

Jeffries, Wolcott, Wolcott & Lankford, W. L. Williams, and C. J. Collins, for appellants.

Jas. G. Martin, T. Catesby Jones, Jas. E. Heath, N. T. Green, Thos. H. Willcox, Tazewell Taylor, O. L. Shackelford, and W. H. Taylor, for appellees.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.